

Message Text

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ORIGIN EUR-12

INFO OCT-01 EA-07 ISO-00 SS-15 SP-02 NSC-05 L-03 SCA-01

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EUR/SOV - MGARRISON

EUR/SOV - WEDGAR EA/J:DSMITH

EUR/NE - KSHIRLEY

S/CPR - HDAVIS L/M:HSHAMWELL

EUR/WE - EBEIGEL L/EUR:HRUSSELL

EUR/CE - GHUMPHREY

EUR/EE - RCHRISTENSEN

EUR/CAN - DBLAKEMORE

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FM SECSTATE WASHDC

TO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY TOKYO

INFO AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: EGEN, ETRD, UR

SUBJECT: FOREIGN COMMERCIAL OFFICES OUTSIDE HOST COUNTRY'S

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CAPITAL

1. IN RESPONSE TO SOVIET REQUEST TO MOVE PART OF THEIR WASHINGTON TRADE REPRESENTATION TO NEW YORK, DEPARTMENT, IN ADDITION TO OTHER CONDITIONS, HAS ADVISED SOVIETS THAT ONLY TWO TRADE REPRESENTATION OFFICIALS IN NEW YORK WOULD BE ABLE TO RETAIN DIPLOMATIC PRIVILEGES, AND THAT THE PREMISES OF THE NEW YORK OFFICE WOULD NOT HAVE DIPLOMATIC INVIOABILITY. SOVIETS HAVE INDICATED TRADE REPRESENTATION WILL NOT MOVE IF OFFICE ITSELF IS NOT INVIOABLE.

2. SEVERAL COUNTRIES HAVE ECONOMIC/COMMERCIAL/FINANCIAL OFFICES OUTSIDE THEIR WASHINGTON EMBASSIES. CZECH AND HUNGARIAN OFFICES WERE ESTABLISHED BY AN EXCHANGE OF NOTES CONSTITUTING A FORMAL BILATERAL AGREEMENT. ALL THE OTHERS WERE CREATED AFTER A REQUEST WAS SUBMITTED VIA

DIPLOMATIC NOTE. ONLY CZECH AND HUNGARIAN OFFICES HAVE INVIOABILITY; IN ALL OTHER CASES THE PRINCIPAL OFFICERS (IN MOST CASES ONLY ONE, IN SOME TWO OFFICERS WITH DISTINCTLY DIFFERENT TITLES) WERE ACCORDED DIPLOMATIC IMMUNITY. WHILE THIS IMMUNITY IS PERSONAL IN NATURE, THE DEPARTMENT VIEWS THIS IMMUNITY AS EXTENDING TO THE OFFICER'S OFFICIAL PAPERS AND FILES, ALTHOUGH NOT TO HIS OFFICE PER SE.

3. WE HAVE INFORMED THE SOVIETS THAT IT IS NOT NOW U.S. POLICY TO EXTEND INVIOABILITY TO THE PREMISES (INCLUDING BUILDINGS AND THE LAND ANCILLARY THERETO) USED FOR PURPOSES OF ECONOMIC/COMMERCIAL/FINANCIAL ESTABLISHMENTS OUTSIDE WASHINGTON EMBASSY PREMISES.

4. WE ARE INTERESTED TO KNOW HOW POLICY ACCORDS WITH GENERAL INTERNATIONAL PRACTICES AND DEPARTMENT REQUESTS ADDRESSEES ASCERTAIN POLICY OF HOST COUNTRY RE COMMERCIAL OFFICES OUTSIDE THE HOST CAPITAL; I.E., LIMITATIONS OF DIPLOMATIC IMMUNITY OF PERSONNEL AND INVIOABILITY OF PREMISES. WE WOULD ALSO BE INTERESTED IF HOST COUNTRY DISTINGUISHED BETWEEN EE'S AND OTHER NATIONS. ADDRESSEES SHOULD MAKE CLEAR THAT THIS INQUIRY LIMITED OFFICIAL USE
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IS UNRELATED TO OUR BILATERAL RELATIONS WITH THE HOST COUNTRIES.

5. THE SOVIETS HAVE ALSO ASKED US WHETHER THEIR FOREIGN TRADE ORGANIZATION LICENSINTORG CAN FORM A JOINT COMPANY WITH A U.S. FIRM IN THE U.S. LICENSINTORG SELLS SOVIET PATENTS, LICENSES AND TECHNICAL DOCUMENTS, AND PURCHASES FOREIGN ONES. BEFORE DECIDING ON OUR RESPONSE, WE WOULD APPRECIATE REPORTS FROM POSTS INDICATING WHETHER LICENSINTORG IS OPERATING IN THIS WAY IN HOST

COUNTRIES.

6. REPLIES ARE REQUESTED BY COB JANUARY 23. KISSINGER

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